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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/822,855
Filing Date: April 02, 2001
Appellant(s): HOLTZ ET AL.

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Technology Center 2100

Robert B. Levy
Reg. No. 28,234
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 17 February 2006 appealing from the Office action mailed 11 January 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,795,228	Trumbull et al	8-1998
6,437,802	Kenny	8-2002
6,441,832	Tao et al	8-2002
5,450,140	Washino	9-1995

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Trumbull et al (US Patent 5,795,228), hereinafter Trumbull.

Regarding claims 1, 11 and 13, Trumbull teaches a method, system and computer program product for producing a show in a production environment having at least one

processing unit in communication with a plurality of production devices, where the method, system and computer program receives a show rundown manually assembled by a producer to comprise a plurality of story files (taught as the creation of a show template that includes news video clips and other files selected by an operator [the “producer”], at col. 13, lines 50-58), and converting the show rundown into broadcast instructions that, when executed in a step-by-step manner responsive to a manual trigger from the producer in an event-driven manner, enable the transmitting of commands to control the plurality of production devices (taught as the use of an Editing system [col. 13, lines 19-21] for controlling the Giant Display Assembly, Audio Assembly and Lighting Assembly [col. 14, lines 1-8], used for creating a show by way of “show control signals”, at col. 6, lines 43-46. The Editing system is controlled by manipulation of a user interface, at col. 5, lines 1-13.). Trumbull teaches transmitting commands to control at least a camera (taught as the user control of the Giant Display Assembly, which in turn controls a video camera, as seen in Figs. 2-4 and col. 6, lines 41-64) and a robotic pan/tilt head (see col. 8, lines 1-9). Furthermore, Trumbull allows for the production of such a show live, in real time, for at least one of transmission and recording, as the user is allowed to interactively choose the outcome of the program they are watching through scene-selecting means, which therefore produces the show live and in real time, as the user makes decisions. See Trumbull, col. 1, lines 39-51.

Regarding claim 2, Trumbull teaches receiving at least one story file that includes a script or graphic effects, taught as the use of content taken from news video clips, game shows, or talk shows, at col. 13, lines 55-58. Trumbull further teaches transmitting at least one command to a teleprompting means to display a script (col. 11, lines 15-19) and integrating graphic effects with video associated with at least one story file, at col. 7, lines 3-7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6, 8, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trumbull and Kenny (US Patent 6,437,802).

Regarding claims 3, 12 and 14, Trumbull has been shown to teach receiving a show rundown comprising story files, and converting the show rundown into broadcast instructions for controlling show production devices.

Trumbull fails to explicitly teach monitoring inter-file activity and synchronizing the show rundown with the broadcast instructions.

Kenny teaches a throttler for rapid start-up for use with broadcast automation systems, such as that of Trumbull. Furthermore, Kenny teaches monitoring inter-file activity, taught as the use of a "Drain" process to deliver commands to the broadcast automation system and update the playlist and priority queue, at col. 4, lines 10-12. Furthermore, as the Drain process updates the playlist (which is analogous to the claimed "show rundown"), the broadcast instructions must be inherently updated in turn for the playlist changes to take place, taught as adding of new commands and updating of the priority queue by the Drain process, at col. 4, lines 10-12.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Trumbull and Kenny before him at the time the invention was made to modify the

broadcast automation system of Trumbull with the inter-file monitoring and modification of Kenny in order to obtain a broadcast automation system capable of updating a playlist and broadcast instructions “on the fly”.

One would be motivated to make such a combination for the advantage of early execution of a playlist, execution of the playlist before its completion, and the use of a “live” operator interface. See Kenny, col. 1, lines 44-61.

Regarding claim 4, Trumbull and Kenny teach polling the show rundown to detect inter-file modifications, including changes within the story files or the addition or deletion of story files to the show rundown, taught as the editing and updating of a playlist by Fill and Drain processes. See Kenny, col. 4, lines 6-21.

Regarding claim 5, Trumbull and Kenny teach that the broadcast instructions of Kenny must be inherently updated in order for the playlist changes to take place, taught as adding of new commands and updating of the priority queue by the Drain process. See Kenny, col. 4, lines 10-12.

Regarding claim 6, Trumbull and Kenny teach updating a queue of unexecuted events. See Kenny, col. 4, lines 33-43.

Regarding claim 8, Trumbull and Kenny teach updating broadcast instructions in real time, including changes within the story files or the addition or deletion of story files to the show rundown, taught as the editing and updating of a playlist by Fill and Drain processes. See Kenny, col. 4, lines 6-21.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trumbull, Kenny and Tao (US Patent 6,441,832).

Trumbull and Kenny have been shown to teach a broadcast automation system capable of detecting inter-file modifications, implementing synchronization between a show rundown and broadcast instructions, and updating only an unexecuted portion of broadcast instructions.

Trumbull and Kenny fail to explicitly teach adjusting the unexecuted broadcast instructions such that a total execution time for the broadcast instructions does not exceed a predetermined time.

Tao teaches a processing apparatus and method for producing, modifying or deleting video and audio data. Furthermore, Tao teaches adjusting the unexecuted broadcast instructions such that a total execution time for the broadcast instructions does not exceed a predetermined time, taught as the use of a "Browse" function for outputting a selected, unexecuted playlist for a predetermined period of time, at col. 12, lines 15-17.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Trumbull, Kenny, and Tao before him at the time the invention was made to modify the broadcast automation system of Trumbull and Kenny to include the playlist duration specification of Tao, in order to obtain a broadcast automation system capable of playing a selected show for a specified amount of time.

One would be motivated to make such a combination for the obvious advantage of outputting a show or playlist within a constrained time period. See Tao, col. 1, lines 17-24.

Regarding claim 9, Trumbull, Kenny and Tao disclose the ability to create several playlist files, while retaining the ability to edit each one in real time (see Tao, cols. 15-16, lines 60-67, 1).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trumbull, Kenny, Tao, and Washino (US Patent 5,450,140).

Trumbull, Kenny, and Tao have been shown to teach a broadcast automation system utilizing a broadcast instruction time sheet (see Tao, Fig. 13), and with the ability to create several playlist files, while retaining the ability to edit each one in real time.

However, Trumbull, Kenny, and Tao fail to explicitly teach populating the broadcast instruction time sheet with icons capable of executing broadcast instructions when activated.

Washino teaches a video production system capable of integrating various production devices (see col. 1, lines 50-57), such as those used by Trumbull and Tao. Furthermore, Washino teaches the use of control-related icons that allow a user to control individual cameras (see col. 2, lines 10-15).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Trumbull, Kenny, Tao, and Washino before him at the time the invention was made to modify the broadcast automation time sheet of Trumbull, Kenny, and Tao to include the control icons of Washino in order to obtain a broadcast instruction sheet capable of giving control of a production device to a user through activation of a control icon.

One would be motivated to make such a combination for the obvious advantage of allowing a user control a production device through simple selection means. See Washino, col. 1, lines 28-32.

(10) Response to Argument

Applicant's arguments filed 13 February 2006 have been fully considered but they are not persuasive.

In response to Applicant's arguments of pages 8 and 9 of the brief with respect to claims 1, 2, 11, and 13, the Examiner respectfully disagrees. As to Applicant's argument that Trumbull fails to teach execution of instructions in a step-by-step manner responsive to a manual trigger from the producer in an event-driven manner, the Examiner has cited in the above rejection the ability of a user (the producer) to control an Editing system for instructing various production devices in a broadcast. This user manipulation thus teaches the claimed manual triggering from a producer. Instructions, by definition, are executed in a step-by-step manner, and the ability of the user to manipulate the instructions as they see fit allows for an event-driven manner, in which the user may issue instructions to the production devices based on the current broadcast events.

As to Applicant's argument that Trumbull fails to teach control of a pan/tilt head, Trumbull clearly shows at col. 8, lines 1-9 the Show Director system (manipulable by the user) controlling the pans and tilts of light sources.

As to Applicant's argument that Trumbull fails to teach transmitting instructions to control a camera, the Examiner notes that the user may manipulate the user interface to control the Giant Display Assembly, which in turn controls a camera. See col. 6, lines 41-64. Furthermore, Applicant argues that Fig. 4 displays an arrow pointing away from the camera 58, and as such the camera 58 is not controlled by the video playback and mixing station 48. However, nowhere in the above rejection does the Examiner claim that the video playback and mixing station 48 controls the camera 48. Instead, as can be seen from the cited prior art, specification, and drawings, the user interface 14 of Fig. 1 is used to control the show controller 20, which in turn

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(Fig. 3)

controls Giant Display Assembly **40**, Audio Assembly **42**, and Lighting Assembly **44**. The Giant Display Assembly has control over all of the hardware seen in Fig. 4, including camera **58**. Furthermore, Lighting Assembly **44**, under control of show controller **20**, is capable of controlling various lighting fixtures, including pan/tilt heads. See col. 8, lines 1-9.

Applicant's similar arguments of claims dependent upon claims 1, 2, 11, and 13 are likewise responded to with the reasons stated above.

As to Applicant's argument of claim 10 (page 14 of the brief), that Washino fails to teach a screen showing an icon in time-relation to other commands, as Washino teaches the use of icons on the same screen as the image, not on a screen showing the icon in time-relation to other commands. The Examiner would like to note that the Tao reference is relied upon for providing such an instruction time-sheet, and the Washino patent relied upon to teach instruction-related icons that allow a user to control individual cameras. Therefore, a combination of Tao and Washino, as in the rejection of claim 10, would result in an instruction time-sheet having production icons corresponding to broadcast instructions. The Examiner believes ample motivation has been given to make such a combination.

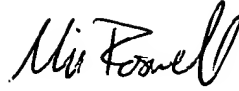
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

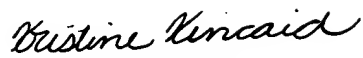
Respectfully submitted,

Michael Roswell, Examiner

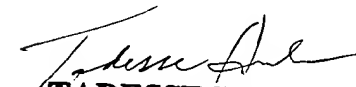


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